

## **DISTRICT V ADVISORY BOARD**

### **Minutes**

**July 9, 2001**

**[www.wichitagov.org](http://www.wichitagov.org)**

The District V Advisory Board meeting was held at 7:00 p.m. at the Auburn Hills Golf Course Clubhouse on 135<sup>th</sup> Street. In attendance were the District V City Council Member, nine (9) District Advisory Board Members, three (3) City staff, and approximately thirty-five (35) citizens with twenty-eight (28) signing in.

#### **Members Present**

David Almes  
Bob Bulman  
David Dennis  
Margarita Farelle-Hunt  
Andy Johnson  
Fran Hoggatt  
Vince Miller  
Teresa Schmidt  
Bob Sorenson  
Council Member Martz

#### **Members Absent**

Sean Cash  
Maurice Ediger

#### **Staff Present**

Dale Miller, Planning  
Dana Brown, City Manager's Office

#### **Guests**

Listed on page nine.

Before the meeting was called to order, a member of the City Clerk's Office performed the official swearing-in as board appointment for continuing members.

### **ORDER OF BUSINESS**

#### **Call to Order**

**Council Member Martz** called the meeting to order at 7:03, explaining the purpose of the District V Advisory Board as community advisors to him as the District V City Council Member. **Council Member Martz** further explained that although he chairs the Board meetings, the actions taken by the Board do not include a vote by him, even in the case of a tie. He stated that his opportunity to vote occurs at the City Council meetings and that he considers the feedback of the Board for his vote. He advised the public that the meeting provides them with an opportunity to voice their opinion on City issues. He asked that the public attending the meeting conduct themselves with the same appropriate behavior that is expected in the Council Chambers.

#### **Approval of Minutes**

The minutes of the previous meeting on June 4 were not presented for approval.

#### **Approval of the Agenda**

**Council Member Martz** asked if any agenda changes were needed. With none needed, the agenda was unanimously approved.

## **Public Agenda**

### **Scheduled Items**

No items had been previously scheduled for the public agenda.

### **Off-agenda items**

**Council Member Martz** asked if the public had any concerns to present that were not associated items on the agenda. **Judy Park, 12231 West Sheriac Circle**, stated that she had concerns about citizens not receiving notifications from the City. **Vernon Deines, Breezy Point Homeowners Association (HOA)**, said he always received notices but he was concerned about when he received them. **Council Member Martz** agreed that receiving notices in a timely manner could be an issue at times and was typically related to when the information became available for distribution. He said that efforts were being made to reduce some of the barriers that prevented timely notification, and that he hoped that residents affected by agenda items would begin to receive notification sooner.

**Council Member Martz** asked **Dale Miller, Planning Department**, to explain how the notification list is determined for a specific request. **Miller** explained that public notification is regulated by the State of Kansas. He stated that if the property area involved in the request is one (1) acre or less, all residents within a 200-foot radius are notified; if the area is over one (1) acre, residents within a 500-foot radius are notified.

**Avis Greenstreet, 145 S. Byron Road**, expressed concerns about foxes killing pets in their neighborhood area. **Council Member Martz** explained that the State Wildlife Department furnishes cages for a \$50.00 deposit, refundable upon return of the cage, for trapping wild animals. He suggested that they work with the other property owners in the area to divide the deposit cost for obtaining one or more cages. He asked staff to look into the City's Animal Control policy for providing cages.

**Victor Klassen, 11823 Sheriac, Hidden Lakes HOA**, stated that he had concerns about public notification also. **Cletus Dold, 218 Breezy Point Circle**, said he thought the public was confused about the notification policy. **Council Member Martz** thanked them for their input.

**Council Member Martz** then announced that he had recently attended the Breezy Point HOA meeting and wanted those members to know that the waterline associated with improvements to prevent flooding would be completed by the end of the month. **Deines** stated that his concern about the lake expressed at the HOA meeting had now been clarified by Mike Lindebak, Public Works. **Council Member Martz** stated that the bridge at Breezy Point on Maple is a critical point of the flood control efforts. **Dold** asked if reconstruction of the bridge would be delayed due to the flood control plan? **Council Member Martz** clarified that the expansion of Maple to four-lane and the reconstruction of the bridge were both part of the same project. He stated that the flood control plan covers 120 square miles—20% is within the City—and includes all basins in the area. Funding for all associated projects is about \$85 million. He said that the many projects in the plan must be prioritized; the Maple Street expansion and the detention pond in Dry Creek were designated priorities. He further explained that if progression remains on schedule, that the CKR Railroad tracks would be removed from West Street to Garden Plain by October 24, 2001.

**Bulman** returned to the notification issues, saying that the applicant must post signs on the subject property as part of the notification process. Several members of the public stated that they didn't drive past the property. **Bulman** responded that the signs were only one part of the process.

**Dold** asked if the Meadows sidewalk would be reconnected to the pathway that existed previous to construction of the Auburn Hills Golf Course. **Council Member Martz** said that a long-range plan included a bike path that would eventually connect in Pawnee Park. **Phil Harris, 11907 Carr Street**, asked if a park and swimming pool could be constructed across from 119<sup>th</sup> street on Maple. **Council Member Martz** said that he would share the suggestion with the Parks & Recreation Department. **Harris** then asked about the current issue with Hamilton School in Linwood Park. **Council Member Martz** replied that this issue would be discussed at the City Council meeting the next day, Tuesday, July 10<sup>th</sup>.

**Council Member Martz** then said that this was probably an appropriate time to comment on several issues of concern for the City and District V. He first stated that the City had been preparing for the upcoming *Operation Rescue* abortion protests by focusing on the goal of ensuring peaceful demonstrations with laws obeyed. He then provided an update on the previous request from a private company for a *construction and demolition landfill permit*. The Kansas Department of Health and Environment (KDHE) originally denied the request but reports received by the City indicate that a second attempt had been made to obtain a permit. At the June 4<sup>th</sup> meeting, the District V Advisory Board had voted to submit a letter requesting that KDHE deny the permit due to concerns of potential contamination. The subject property is a large excavated sandpit in the water table, a potential hazard for dispersing any contaminated substance disposed at the site into the City's ground water. **Council Member Martz** stated that his objections were associated with the difficulty and expense of remediation if contamination would occur; he stated that it's much easier to prevent contamination with the risk involved at this site. He announced that the Public Works Department would be hosting a public hearing on July 30<sup>th</sup> at the Sedgwick County Extension Center with KDHE presenting at 6:30 p.m. and the public hearing beginning at 7:00 p.m.

**Harris** asked what action should be taken if a citizen observes a carpet cleaning van dumping into a car wash. **Council Member Martz** said the act should be reported if the citizen noted information to provide specific information, such as who, where, when, etc. **Harris** stated that he had the information. **Council Member Martz** encouraged **Harris** to report the incident to Public Works.

**Sorenson** noted that the vacant lot on the southeast corner of Maple & Ridge intersection needed mowing again. Staff agreed to report it to Environmental Health.

## **Board Agenda**

### **1. Community Police Report**

An officer from the Patrol West Station reported that he was attending the meeting in Officer Robert Lacy's absence. He encouraged everyone to call the West Station at 941-0673 regarding any policing matter.

**Council Member Martz** asked whom to call regarding damage to a curb caused by a car accident. The officer said that the wrecker service is responsible for cleaning up the street after accidents. **Dennis** expressed disappointment that after arranging for a police officer to attend his HOA meeting, the officer never arrived. **Bulman** complimented the Police Department on their website and the N.O.T.E. program through which a complaint can be filed on the website. **Council Member Martz** reminded everyone that August 7<sup>th</sup> is *National Night Out*, a national observance to encourage neighborhoods to be involved in crime prevention by noting and reporting concerns to police. He encouraged everyone to arrange for their block of neighbors to get together for a block party and invite the police officers who serve their area to attend.

**Action: Receive and file**

**2. Update on Westport & Maize Committee from DAB Members**

**Almes and Miller** reported that committee names had been drawn to form a group of twelve (12). A letter and the notes from the public meeting earlier will be sent to all who provided their names and addresses. Additional traffic counts will be taken after school begins.

**Action: Receive and file**

**Planning Agenda**

**3. ZON2001-00036 – Request for zone change from SF-5, Single-Family Residential, to GO, General Office, for the area generally located at the southwest corner of Maple and 119<sup>th</sup> Street West**

**Dale Miller, Planning Department**, presented information about the referenced zoning case, explaining first that the applicant had reduced the subject property area from 12.5 acres to 8.5. He stated that Planning staff found the request appropriate for office development but had concerns that the scale and intensity of the proposed development is significantly greater than recommended by the *Far West Side Commercial Development Policy*. In addition, staff recommended conditions of a Protective Overlay to meet the Policy recommendations for signage, lighting, landscaping, and architectural design. For those reasons, staff recommended that GO, General Office, be denied and that NO, Neighborhood Office, be approved for a specific portion of the subject property.

However, the Metropolitan Area Planning Commission (MAPC) approved the request on June 21, 2001, stated Miller. The approval is subject to platting within one year and to the provisions of a Protective Overlay District including specific uses not permitted; multi-family density limits; ground signage limits; exterior lighting restrictions; and, landscaping and architectural requirements.

Board Members asked for clarification on the reduction of property size for the case and the Far West Plan. With no other questions from the Board, **Council Member Martz** asked for questions from the public.

Several citizens asked questions and/or spoke regarding the following:

- A. Planning process and why public input was not received prior to the case being heard by MAPC
- B. Approval from MAPC appearing to be a rejection of the guidelines in the *Far West Commercial Development Policy*
- C. Desire to have a portion of the subject property developed as a park
- D. Concerns regarding the impact of development on drainage in consideration of the previous flooding in the area
- E. Who owns the subject property?

**Council Member Martz** responded to the issues to explain:

- A. The process of reviewing Planning cases typically includes two separate reviews from different perspectives that the Council considers for final action on the case; the order of the two reviews is not critical and is sometimes subject to schedule changes for the DAB due to conflicts with holidays:
  - MAPC is comprised largely of citizens with technical expertise
  - DAB is comprised generally of citizens who represent neighborhoods
- B. The *Far West Commercial Development Policy* provides guidelines developed prior to the rapid growth in the west area of the city, and planning situations need to factor in the current situation when using the guidelines. The Policy will need to be updated for the current situation.
- C. Information about the desire for a park in the area will be given to the Parks & Recreation Department.
- D. A drainage ordinance exists for both the City and the County prohibiting any new construction from negatively impacting existing structures in the area. The City used information provided by consultants to correct one factor in the area causing the prior flooding with the construction of the new bridge on 119<sup>th</sup> Street, south of Maple.
- E. **Terry Smythe, agent for the applicant**, stated that the Kansas Masonic Lodge and the City of Wichita own the property.

Board Members then asked questions and made comments related to the case. **Sorenson** asked for clarification on why the property size was reduced by the applicant; **Miller** said the reduction from the original request with 12.5 acres to the current 8.5 acres was related to the *Far West Commercial Development Policy*. The entire corner is separated into different categories with the subject area south of Maple and running parallel to 119<sup>th</sup> Street (8.31 acres) designated as a flood plain, and the area immediately south of the property and running diagonally to the north (3.97 acres) is a floodway. Adjoining the subject property to the west is the remaining area excluded from the request and immediately south of the remainder area, running diagonally to the north is a reserve area. The useable area for development has not been platted. **Almes** asked how much fill would be required and if the elevation would be the same as the Vyne, which is the adjacent property to the west; **Smythe** replied that he did not have the information with him. **Bulman** asked what the pad level, or elevation would be; **Smythe** said it was not yet established.

**Members of the public** interjected questions, asking if the elevation would have an impact on flooding to which **Council Member Martz** explained that the request for a change in zoning was a separate issue that would be considered later in the planning process. **Smythe** stated that the zone request was a negotiation with MAPC as the Commission wanted the zoning to be Neighborhood Office (NO). A **citizen** asked what was intended for

development at the site to which **Smythe** answered that a plan was being considered for a convalescent home and services associated with the needs of the residents.

**Hoggatt (Johnson)** moved that the Board approve the request. **Dennis** stated that his biggest concern is the request does not follow the guidelines of the Far West Policy guidelines nor the Golden Rules of planning. **Miller** said that he agrees with the points that Dennis made but the applicant is willing to allow the exceptions of the protective overlay. **Bulman** stated that he agreed with the recommendations of the Planning staff with the acknowledgement that the request has been revised to meet the recommendations, and he would especially encourage that the architecture be upscale to avoid the “strip mall” appearances especially on the main arteries. **Hoggatt** repeated her motion as originally stated and **Johnson** repeated the second. The vote failed 3-6.

**Action: Motion to approve the request for General Office, GO, failed 6-3.**

**4. ZON2001-00013 and CON 2001-00021 located north of Central approximately 3/8 miles east of 135<sup>th</sup> Street**

**Dale Miller, Planning Department**, explained that this request was previously reviewed by DAB V and MAPC to allow “animal care, limited.” The City Council sent the case back to the two boards for reconsideration based on the applicant’s indication that the request would be withdrawn and NO, Neighborhood Office would instead be requested. The applicant did not change the paperwork. However, staff is opposed to the revised request due to the site being located in a residential area that is also a mid-mile location at which the zone change would not comply with the Comprehensive Plan location guidelines and approval would likely lead to other similar requests.

**Dean Loesch, applicant/property owner**, requested to address the Board and stated that he had been able to contact all but two-three of the area neighbors, and ten of the sixteen property owners said they would support the NO, Neighborhood Office, request. No outdoor dog runs would be built. Loesch said that he has concerns about safety with living there due to the curve on Central leading to his home and a number of car accidents at the curve. He has asked the City to install guard railing or lights but the City feels that creates liability for the City. Loesch stated that the property had been for sale for ten (10) years but had not sold. He feels concern for safety is the primary obstacle.

**Council Member Martz** asked Miller what the notification area was for this request. **Miller** stated it was less than one (1) acre so notifications were sent to all property owners within a 200-foot radius. **Schmidt** asked for clarification about the alternatives; the information on barriers and caution devices was repeated. **Hoggatt** asked if the City would be eventually expanding Central, and the difficulties in working around the homes and the curved road were discussed. **Dennis** stated that he personally supported the need to rezone but his homeowner association—Rainbow Lakes West—did not. **Sorenson** asked what objections the HOA had to the rezoning? **Dennis** stated that they were concerned about commercial development may occur in heavily residential areas. Johnson remarked to the Board that Dennis’ concern with approval of the previous case would be in conflict with following guidelines established could also apply to this case—that the zoning request violates the recommendations of the Comprehensive Plan and the Golden Rules of planning. **Johnson**

(**Miller**) then moved that the request for NO, Neighborhood Office, be denied. **The motion failed 2:6 (Dennis abstained citing conflict of interest).**

Immediately after the vote, **Bulman** noted that although the Golden Rules are helpful guidelines, exceptions could exist that affect the guidelines. For instance, the subject property has been for sale for ten (10) years, according to the property owner. Maybe other feasible solutions can be determined that might not totally agree with the guidelines, stated **Bulman**. Also, **Bulman** stated that he feels the City should address the safety issue associated with the property. **Dennis** agreed. **Hoggatt** said that maybe the City should concern buying the property to soften the curve that will be needed if Central is expanded in the future.

**Council Member Martz** expressed concern about the motion being clear to the Board as it was stated in a negative sense and may have caused some confusion with voting. In order to restate the motion, **Johnson (Miller)** moved to withdraw the previous motion. Motion passed 9:0. **Schmidt (Bulman)** then moved to approve the request. The motion tied 4:4 (**Dennis** abstained).

**Action: Motion to approve request to zone as Neighborhood Office tied 4:4 (one abstention).**

In response, **Dennis (Bulman)** moved that the Board recommend Traffic Engineering look at safety issues with the curve and identify ways to address. Motion passed 9:0.

**Action: Board recommended by a vote of 9:0 that the City consider the unsafe situation and identify ways to address.**

**5. Update on residents request to conduct a Noise Study along Central**

**Council Member Martz** referred Board Members to a copy of a letter from Kansas Department of Transportation (KDOT) stating that the agency and the Federal Highway Administration (FHWA) had revisited the scope of the project and determined that it could be classified as Type I. As a result, KDOT will conduct a noise study that is anticipated for completion later this summer.

A member of the public asked if the City would pay for the wall to which **Council Member Martz** stated that the results of the study and the cost of a wall would need to be considered before that question could be answered.

**6. Update on All Star Sports concerns**

Staff referred the Board Members to a report on an interdepartmental meeting among the City Manager's Office, Office of Central Inspection (OCI), Environmental Health, and Police. The report provided the following summary: Police reported that no criminal offenses have been committed. OCI staff reported that some lighting changes have been made, bringing it into compliance with the Community Unit Plan (C.U.P.). In addition, a lower compression golf ball is currently being used to restrict the distance the ball travels. Environmental Health staff reported that even though the lighting may be in compliance with C.U.P. that the lighting and the noise may be in violation with City health codes.

In an effort to follow up, Police will address any criminal complaints reported. In addition, OCI agreed to continue monitoring for compliance with the C.U.P. and Environmental Health agreed to check the lighting and noise levels for compliance. If compliance exists, mediation may be an option if both the business owner and the neighbors are willing. Otherwise, with no City codes to address the issues of errant golf balls, the situation will be considered a civil matter.

**Action: Receive and file.**

**7. Neighborhood Updates, Issues, and Reports**

- Staff reminded the Board Members about District Advisory Board Orientation scheduled for June 26<sup>th</sup> at City Hall in the Council Chambers. Invitations with details were mailed previously.
- **Council Member Martz** asked for suggestions for an appointment from District V to the Library Board. **Almes** recommended Barbara Baker who is retired from the librarian position at Northwest High School (lives on 10<sup>th</sup> Street). **Phil Harris** stated that he would volunteer. **Council Member Martz** stated that he was open to any recommendation but would like to receive some background information on each person.

**No action necessary.**

**8. Next Meeting**

**Council Member Martz** announced that the next meeting would be held on August 6th at the Auburn Hills Clubhouse.

With no further business, the meeting was adjourned at 9:27.

Respectfully submitted,

Dana Brown  
Neighborhood Assistant  
District V



**Guests**

O.J. Balman	6125 S. Maize Rd.
Judy Park	12231 W. Sheriac Cir.
Richard & Avis Greenstreet	145 S. Byron Rd.
Vernon Deines	130 S. Breezy Pt. Cir.
Cletus B. Dold	218 S. Breezy Pt. Cir.
Resident	620 Wetmore
Rev. Phillip Harris	11907 Carr Ct.
Lois Landwehr	12011 W. Sheriac Cir.
Chuck Brammeier	261 S. Breezy Pt. Cir.
Raymond & Debbie Johnston	12115 W. Sheriac
Don Rohr	13526 W. Burton Ct.
Kalie Clasen	11305 Valley Hi
Victor E. Klaasen	11823 Sheriac
Nancy Hoppis	150 S. Forestview Ct.
William E. Moore	162 S. Forestview Ct.
Dean Loesch	13110 W. Central
Bob Wine	1402 N. Doris Cr.
Russ Krueger	7820 Cottontail
Lonny G. Wright	2320 Alameda
Mary Hill	142 S. Forestview
John & Lori Stockstill	7508 W. Jennie
Resident	206 S. Breezy Pt. Cir.
Greg Ferris	144 S. Bay Country Ct.
David Finley	7706 Barrington